



1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 CENTRAL DISTRICT OF CALIFORNIA
8
9

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 OSCAR MUNOZ,

14 Defendant.
15
16

CASE NO. CR 11-01675-DUTY

ORDER OF DETENTION
AFTER HEARING

(18 U.S.C. § 3142(i))

17 I.
18

19 A. (X) On motion of the Government in a case allegedly involving:

- 20 1. () a crime of violence;
21 2. () an offense with a maximum sentence of life imprisonment or death;
22 3. (X) a narcotics or controlled substance offense with a maximum sentence of ten
23 or more years;
24 4. () any felony - where the defendant has been convicted of two or more prior
25 offenses described above;
26 5. () any felony that is not otherwise a crime of violence that involves a minor
27 victim, or possession or use of a firearm or destructive device or any other
28 dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

ORDER OF DETENTION AFTER HEARING (18 U.S.C. §3142(i))

1 B. (X) On motion by the Government / () on Court's own motion, in a case allegedly
2 involving:

3 1. (X) a serious risk that the defendant will flee;

4 2. () a serious risk that the defendant will:

5 a. () obstruct or attempt to obstruct justice;

6 b. () threaten, injure, or intimidate a prospective witness or juror or attempt to
7 do so.

8 C. The Government (X) is/ () is not entitled to a rebuttable presumption that no
9 condition or combination of conditions will reasonably assure the defendant's
10 appearance as required and the safety of any person or the community.
11

12 II.

13 A. (X) The Court finds that no condition or combination of conditions will reasonably
14 assure:

15 1. (X) the appearance of the defendant as required.

16 (X) and/or

17 2. (X) the safety of any person or the community.

18 B. (X) The Court finds that the defendant has not rebutted by sufficient evidence to
19 the contrary the presumption provided by statute.
20

21 III.

22 The Court has considered:

23 A. the nature and circumstances of the offense(s) charged;

24 B. the weight of evidence against the defendant;

25 C. the history and characteristics of the defendant; and

26 D. the nature and seriousness of the danger to any person or to the community.
27
28

1 IV.

2 The Court also has considered all the evidence adduced at the hearing and the arguments
3 and/or statements of counsel, and the Pretrial Services Report and recommendation.
4

5 V.

6 The Court bases the foregoing finding(s) on the following:

- 7 A. (X) The history and characteristics of the defendant indicate a serious risk that
8 he will flee, because: the risk of flight is presumed in this case; he is a
9 citizen of Mexico; he previously has violated conditions of probation; and
10 there are insufficient bail resources to mitigate the presumed risk of flight.
11 B. (X) The defendant poses a risk to the safety of other persons or the community
12 because of: the nature and seriousness of the allegations in this
13 presumption case; and his prior criminal history, which includes multiple
14 prior felony convictions.
15

16 VI.

- 17 A. () The Court finds that a serious risk exists that the defendant will:
18 1. () obstruct or attempt to obstruct justice.
19 2. () attempt to/ () threaten, injure or intimidate a witness or juror.
20

21 VII.

- 22 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
23 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of
24 the Attorney General for confinement in a corrections facility separate, to the
25 extent practicable, from persons awaiting or serving sentences or being held in
26 custody pending appeal.
27 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
28 opportunity for private consultation with counsel.

1 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
2 request of any attorney for the Government, the person in charge of the corrections
3 facility in which the defendant is confined deliver the defendant to a United States
4 Marshal for the purpose of an appearance in connection with a court proceeding.

5
6 DATED: July 15, 2011

Margaret A. Nagle

MARGARET A. NAGLE
UNITED STATES MAGISTRATE JUDGE